

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/938,741	JAGADEESAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phuongchau Ba Nguyen	2665	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11-28-5.
2. ☒ The allowed claim(s) is/are 1-2,14-18,20-24,60-70,83-85,87-88,90-101; Renumbered as 1-40 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>1-27-6</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                       |
|   | 9. <input type="checkbox"/> Other _____.   |

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Bryan Kirkpatrick on 1-27-6.

3. The application has been amended as follows:

**Claim 83, line 6,**

--- , wherein the individual delay periods are determined based on a duration of time in which packets are delayed or lost during transmission of the primary data frames----- had inserted after the word "network".

**Claim 86 had canceled.**

**Claim 87, line 8,**

--- , whereby the data transmission performance characteristic is based on an episode length number of one of an episode of consecutively lost packets and an episode length number of consecutively received packets--- had inserted after the word "characteristic".

**Claim 89 had canceled.**

4. The following is an examiner's statement of reasons for allowance:

Regarding claims 1-2, the prior art fails to teach a device comprising "a redundant encoder for encoding the first portion into first redundant frames that are delayed from the first frames according to a redundant-coding delay having a first value and the second portion into second redundant frames that are delayed from the second frames according to a redundant-coding delay having a second value determined from a detected network performance characteristic different from the first value," which is considered in combination with other limitations, as specified in the independent claim 1.

Regarding claims 14–24, the prior art fails to teach a device comprising “mean for determining an updated value for redundant–coding delay that corresponds with the network performance parameter; means for encoding a second portion of the data stream into second frames, the second portion following the first portion; and means for redundantly encoding the second portion into second redundant frames that are delayed from the second frames according to the updated value,” which is considered in combination with other limitations, as specified in the independent claim 14.

Regarding claims 60–70, the prior art fails to teach a method comprising “determining an updated value for the redundant–coding delay that varies according to a performance parameter; encoding a second portion of the data stream into second frames, the second portion following the first portion; and redundantly encoding the second portion into second redundant frames that are delayed from the second frames according to the updated value,” which is considered in combination with other limitations, as specified in the independent claim 60.

Regarding claims 83–85, the prior art fails to teach a device for encoding voice data in a network comprising “a delay circuit that separately determines individual delay periods for the redundant data frames according to an identified network performance associated with transmission of the primary data frames over the network, wherein the individual delay periods are determined based on a duration of time in which packets are delayed or lost during transmission of the primary data frames,” which is considered in combination with other limitations, as specified in the independent claim 83.

Regarding claims 87–88 & 90, the prior art fails to teach a method comprising “receiving a second portion of the data stream as primary data packets and associated redundant data packets having an updated transmission delay period according to the data transmission performance characteristic, whereby the data transmission performance characteristic is based on an episode length number of one of an episode of consecutive lost packets and an episode length number of consecutively received packets,” which is considered in combination with other limitations, as specified in the independent claim 87.

Regarding claims 91–101, prior art fails to teach a computer-readable medium containing a program for a data transmission performance through a packet switched network, the program comprising “instructions for determining an updated value for the redundant-coding delay that varies according to a performance parameter; instructions for encoding a second portion of the data stream into second frames, the second portion following the first portion; and instructions for redundantly encoding the second portion into second redundant frames that are delayed from the second frames according to the updated value,” which is considered in combination with other limitations, as specified in the independent claim 91.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose

telephone number is 571-272-3148. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**DUCHO**  
**PRIMARY EXAMINER**

*Ducho*  
02-06-06



Phuongchau Ba Nguyen  
Examiner  
Art Unit 2665